

## **REMARKS**

### **FORMAL MATTERS:**

Claims 31-48, 50 and 52-82 are pending after entry of the amendments set forth herein.

Claims 1-30, 49, and 51 have been canceled without prejudice.

Claims 31, 35, 38, 43, 52-55, 62, 65, 66, 68, 78, and 82 are amended. Support for these amendments is found throughout the specification.

For example, support for the amendment to claim 31 can be found at specification page 12, lines 1-2; page 27, lines 10-20; and claim 53 as previously presented.

Claim 35 is amended to incorporate the limitations of claim 31, from which it depended.

Claims 38, 52, and 53 are amended with respect to the claims from which they depend.

Claims 43, 65 and 66 are rewritten as independent claims.

Claims 68 and 82 amended to depend from claim 31.

Claim 54, 55, 62, and 78 are amended for clarity to indicate that the expression vector is transduced into the cell in vitro (see, e.g., specification page 44, lines 12-15; page 49, lines 18-19; page 52, lines 22-25; page 57, lines 1-3; and page 62, lines 3-5).

No new matter added.

### **INTERVIEW SUMMARY**

Applicants are grateful to Examiner Yaen for the telephonic interview conducted with the undersigned and with Michael Schiff, representative for the licensee, on December 21, 2005. The rejections of record were discussed, as were amendments presented herein. The Examiner indicated that the proposed amendments should obviate all rejections of record, and place the application in form for allowance.

### **ALLOWABLE SUBJECT MATTER**

Claims 35, 43, 53 and 65-66 were objected to as being dependent on a rejected base claim, but were not otherwise rejected. As discussed during the interview, and without acquiescing to any ground of rejection applied, Applicants have amended the pending claims so as to be directed to this allowable subject matter.

**REJECTIONS UNDER §103(a)**

Claims 31-34, 36-40, 46-48, 50, 52, 54-57, 62, 67-72, 74-75, 78-79 and 82 were rejected as being obvious over Kimura et al.<sup>1</sup> in view of Dick et al.<sup>2</sup>, and further in view of Dranoff et al.<sup>3</sup>

Claims 31-34, 36-42, 44-50, 52, 54-64, and 68-82 were rejected as being obvious over Asher et al. as evidenced by Karp et al.<sup>4</sup> in view of Dick et al. and Dranoff et al.

Without acquiescing to the grounds of rejection, the claims are amended so as to obviate these rejections under §103(a). Specifically, none of claims 35, 43, 53 or 65-66 stand rejected, but rather are only objected as being dependent from a rejected based claim. The claims as presently amended are directed to the allowable subject matter of claims 35, 43, 53 and 65-66.

Applicants intend to pursue coverage to other subject matter previously claimed or described in the specification in a continuation application, without prejudicing coverage for equivalents of the claimed subject matter in the present application for which the patent owner is currently entitled.

Withdrawal of this rejection is respectfully requested.

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<sup>1</sup> *Exp Hematol* (Feb. 1996) 24(2):360-3.

<sup>2</sup> *Cancer Surv* (1992) 15:161-181.

<sup>3</sup> U.S. Pat. No. 5,637,483.

<sup>4</sup> *J. Immunol.* (1992) 149:2076-2081.

**CONCLUSION**

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number IRVN-001DIV.

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Respectfully submitted,  
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